

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE ENROLLED ACT No. 33

AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-8.1-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 12.5. Reporting Requirements; Threat or Intimidation of a School Employee

Sec. 1. As used in this chapter, "intimidation" refers to intimidation under IC 35-45-2-1.

Sec. 2. As used in this chapter, "threat" has the meaning set forth in IC 35-45-2-1.

Sec. 3. In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee has received a threat or is the victim of intimidation shall report that information as required by this chapter.

Sec. 4. (a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation.

(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 6 of this chapter.

Sec. 5. This chapter does not relieve an individual of the

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obligation to report a threat or intimidation on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

Sec. 6. An individual who has a duty under this chapter to report that a school employee may have received a threat or may be the victim of intimidation shall immediately make an oral report to the local law enforcement agency.

Sec. 7. Except as provided in section 8 of this chapter, an individual, other than a person accused of making a threat or intimidating a school employee, who:

(1) makes, or causes to be made, a report under this chapter; or

(2) participates in any judicial proceeding or other proceeding:

(A) resulting from a report under this chapter; or

(B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

Sec. 8. An individual who has acted maliciously or in bad faith is not immune from civil or criminal liability under this chapter.

Sec. 9. An individual making a report under this chapter or assisting in any requirement of this chapter is presumed to have acted in good faith.

SECTION 2. IC 34-30-2-85.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 85.1. IC 20-8.1-12.5-7 (Concerning a person who reports or causes a report to be made of a threat against, or intimidation of, a school employee).**

SECTION 3. IC 35-45-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.** (a) A person who communicates a threat to another person, with the intent: ~~that:~~

(1) ~~that~~ the other person engage in conduct against ~~his~~ **the other person's** will; or

(2) ~~that~~ the other person be placed in fear of retaliation for a prior lawful act; or

(3) of causing:

(A) a dwelling, a building, or another structure; or

(B) a vehicle;

to be evacuated;

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) Class D felony if:



- (A) the threat is to commit a forcible felony;
- (B) the person to whom the threat is communicated:
 - (i) is a law enforcement officer;
 - (ii) is a judge or bailiff of any court;
 - (iii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat; or
 - (iv) is an employee of a school corporation; ~~or~~
- (C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; **or**
- (D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and**
- (2) Class C felony if, while committing it, the person draws or uses a deadly weapon.
- (c) "Threat" means an expression, by words or action, of an intention to:
 - (1) unlawfully injure the person threatened or another person, or damage property;
 - (2) unlawfully subject a person to physical confinement or restraint;
 - (3) commit a crime;
 - (4) unlawfully withhold official action, or cause such withholding;
 - (5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;
 - (6) expose the person threatened to hatred, contempt, disgrace, or ridicule; ~~or~~
 - (7) falsely harm the credit or business reputation of the person threatened; **or**
 - (8) cause the evacuation of a dwelling, a building, another structure, or a vehicle.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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